

CITY INTELLIGENCE.

TUESDAY, May 12.

COURT OF Oyer and Terminer.—Before Judge Kent and Aldermen Balis and Hatfield.—DECISIVE IN THE CASE OF JOHN C. COLE.—The prisoner was brought into Court, when Judge Kent read the decision to motion for a new trial.

In regard to the persons employed by the Sheriff to summon the jury, the Court, after stating its views, saw no reason to disturb the verdict on that account.

The affidavit of Frederick N. Kemett as to jurors coming from the windows after they had retired is contradicted by overwhelming evidence, and this point also fails to the ground.

The principal ground of the motion, that Nathan R. Husted, one of the jurors, had previously expressed an opinion as to the guilt of the prisoner, was fully reviewed by the Court. The remarks of Mr. Husted were made at his own house in October last. They were casual and unpremeditated, and unaccompanied by discussion. One of the witnesses stated that he did not believe "Mr. Husted had it at heart." Mr. Husted himself, under oath, says, "I did, at any time, use the expression charged upon him, they were made in a careless and loose manner, without their having had any knowledge that they were partners."

At the time he was called as a witness, as was the effect, Mr. Van Wart, as well as the other jurors, had no knowledge that each of them had separately told him that they were partners, and he said that they had been together but in what particular relation to each other. His memory in this he said did not of his own knowledge know. William Van Wart, who was a juror, said that he had been told by his brother that his brother had told him that they were partners in 1836; where, as he stated, that he had never told him so and never heard his brother tell the accused so. Philip Van Wart deposed to the same as the plaintiff's witness, C. C. Bartlett, depended on it, and said that Van Wart had told him that they were partners.

For defense, Ambrose P. Horton deposed that he had frequently heard the Messrs. Van Wart separately say they were partners in business in 1836.

These statements were made at several different times, when his partner was witness.

Mr. Cole, in his defense, said that he had been examined by the court, and that he had given his deposition.

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